

Melissa J. Roose, Esq.
 Nevada State Bar No.7889
 Jacquelyn Franco, Esq.
 Nevada State Bar No. 13484
BACKUS, CARRANZA & BURDEN
 3050 South Durango Drive
 Las Vegas, NV 89117
 T: (702) 872-5555
 F: (702) 872-5545
MelissaRoose@backuslaw.com
Attorneys for Defendants,
Speedway LLC dba Speedway #3020, TRMC Retail, LLC
and Tesoro Refining & Marketing Company, LLC

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

IESHA ABRAHAMS, individually,)	CASE NO.
)	
Plaintiff,)	
vs.)	
)	
SPEEDWAY LLC d/b/a SPEEDWAY)	NOTICE OF REMOVAL
#3020; TRMC RETAIL LLC; TESORO)	
REFINING & MARKETING)	
COMPANY LLC; DOES 1 through 100;)	
and ROE CORPORATIONS 1 through)	
100, inclusive,)	
)	
Defendants.)	

Defendants, SPEEDWAY LLC dba SPEEDWAY #3020 (“SPEEDWAY”), TRMC RETAIL LLC (“TRMC RETAIL”) and TESORO REFINING & MARKETING COMPANY LLC (“TESORO”) by and through their counsel of record, Melissa J. Roose, Esq. and Jacquelyn Franco, Esq. of BACKUS, CARRANZA & BURDEN, hereby file this instant notice of removal of this action to the United States District Court for the District of Nevada, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, and in support thereof, states as follows:

I. FACTUAL AND PROCEDURAL HISTORY

1. Plaintiff IESHA ABRAHAMS (“Plaintiff”) is and was a resident of the State of Nevada, and is therefore a citizen of Nevada for purposes of diversity. *See* Complaint filed in the Eighth Judicial District Court for Clark County, Nevada, at ¶1, attached as **Exhibit A**.

BACKUS, CARRANZA & BURDEN
 3050 SOUTH DURANGO
 LAS VEGAS, NEVADA 89117
 TELE: (702) 872-5555 FAX: (702) 872-5545

BACKUS, CARRANZA & BURDEN
3050 SOUTH DURANGO
LAS VEGAS, NEVADA 89117
TELE: (702) 872-5555 FAX: (702) 872-5545

2. Defendant SPEEDWAY is a foreign limited liability company wholly owned by 7-Eleven, Inc., a Texas corporation, with its principal place of business in Texas, and is therefore a citizen of Texas for diversity purposes.

3. Defendant TRMC RETAIL is a foreign limited liability company wholly owned by SEI Speedway Holdings, LLC, a Delaware LLC, that is wholly owned by 7-Eleven, Inc., a Texas corporation, with its principal place of business in Texas, and is therefore a citizen of Delaware and Texas for diversity purposes.

4. Defendant TESORO is a foreign limited liability company (Delaware registered) wholly owned by Western Refining Southwest LLC, a Delaware corporation, which is wholly owned by Marathon Petroleum Company LP, a Delaware corporation, and is therefore a citizen of Delaware for purposes of diversity.

5. Plaintiff's Complaint was filed in the Eighth Judicial District Court for Clark County, Nevada on May 2, 2022. *See Exhibit A.* The Summons and Complaint was served on Defendants SPEEDWAY, TESORO and TRMC RETAIL, respectively, on May 5, 2022. *See* Summonses, attached as **Exhibit B**. *See also*, Proofs of Service, attached as **Exhibit C**.

6. Plaintiff's Complaint alleges that on or about September 1, 2020, she was visiting the subject premises of Speedway #3020 located at 7295 South Eastern Avenue, Las Vegas, Nevada 89119 when she slipped on a clear liquid substance located on the floor. *See* Exhibit A at page 4. Plaintiff asserts causes of action for Negligence and Respondeat Superior, Negligent Hiring, Negligent Training and Supervision, and Negligent Retention. *Id.*

7. Plaintiff claims to have suffered a wrist fracture requiring surgical correction and disclosed past medical special damages of \$28,513.19 as well as a future surgical treatment cost estimate of \$102,100.00 per Dr. Jonathan R. Sorelle of The Minimally Invasive Hand Institute.

8. On May 26, 2022, Defendants SPEEDWAY and TESORO entered a formal appearance in the state court action followed by TRMC RETAIL on May 31, 2022.

II. DIVERSITY JURISDICTION

9. Pursuant to 28 U.S.C. 1332(a), a federal district court "shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000" and the

1 controversy is between “citizens of different states.” See 28 § U.S.C. 1332(a).

2 10. Pursuant to 28 U.S.C. § 1332(a)(1), this case may be removed to United States
3 District Court for the District of Nevada because complete diversity of citizenship exists between
4 Plaintiff and Defendant, and the amount in controversy exceeds \$75,000.

5 11. There is complete diversity in this matter as Plaintiff is a citizen of Nevada and
6 Defendants are citizens of Delaware and Texas.

7 12. Further, the amount in controversy exceeds \$75,000.

8 13. Accordingly, this Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332(a).

9
10 **III. THE PROCEDURAL REQUIREMENTS FOR REMOVAL HAVE BEEN**
11 **SATISFIED**

12 14. 28 U.S.C. § 1446(b)(1) states: “The notice of removal of a civil action or proceeding
13 shall be filed within 30 days after the receipt by the defendant, through service or otherwise, of a
14 copy of the initial pleading setting forth the claim for relief upon which such action or proceeding
15 is based, or within 30 days after the service of summons upon the defendant if such initial pleading
16 has then been filed in court and is not required to be served on the defendant, whichever period is
17 shorter.”

18 15. In addition, 28 U.S.C. § 1446(c)(2)(A)(ii) provides that for removal based on
19 diversity jurisdiction, the sum demanded in good faith in the initial pleading shall be deemed to be
20 the amount in controversy except when the initial pleading seeks a monetary judgment, but the State
21 practice, such as in Nevada, either does not permit demand for a specific sum or permits recovery
22 of damages in excess of the amount demanded.” See 28 U.S.C. § 1446(c)(2)(A)(ii).

23 16. This Court has original jurisdiction over the subject matter of this action, pursuant to
24 28 U.S.C. § 1332, as there is complete diversity between the parties and there is more than
25 \$100,000.00 in controversy, exclusive of interest and costs.

26 17. Pursuant to the 28 U.S.C. § 1441, this action is one which may be removed to this
27 Court.

28 18. Pursuant to 28 U.S.C. § 1446(c)(1), the date for this removal is not more than one
year after the May 2, 2022 commencement of the state court action.

19. Pursuant to 28 U.S.C. § 1446, a true and correct copy of all process, pleadings, and orders served upon Defendant in the state court are attached hereto. *See* Plaintiff's Complaint, attached as **Exhibit A**; Summonses, attached as **Exhibit B**; Proofs of Service, attached as **Exhibit C**; Defendants' Answers, attached as **Exhibit D**; Defendants' Demand for Jury Trial, attached as **Exhibit E**; Defendants' Initial Appearance Fee Disclosure, attached as **Exhibit F**; and Defendants' NRCP 7.1 Disclosure Statements, attached as **Exhibit G**.

IV. PRAAYER

20. WHEREFORE, Defendant prays that the above-entitled action be removed from the Eighth Judicial District Court in and for Clark County, Nevada to the United States District Court for the District of Nevada.

Dated this 31st day of May, 2022

BACKUS, CARRANZA & BURDEN

/s/ Melissa J. Roose

Melissa J. Roose, Esq.

Nevada State Bar No. 7889

Jacquelyn Franco, Esq.

Nevada State Bar No. 13484

3050 South Durango Drive

Las Vegas, NV 89117

Attorneys for Defendants,

Speedway LLC dba Speedway #3020, TRMC Retail,

LLC and Tesoro Refining & Marketing Company,

LLC

BACKUS, CARRANZA & BURDEN
3050 SOUTH DURANGO
LAS VEGAS, NEVADA 89117
TELE: (702) 872-5555 FAX: (702) 872-5545

CERTIFICATE OF SERVICE

I am a resident of and employed in Clark County, Nevada. I am over the age of 18 years and not a party to the within action. My business address is: 3050 South Durango Drive, Las Vegas, Nevada, 89117.

On May 31 2022, I served this document on the parties listed on the attached service list via one or more of the methods of service described below as indicated next to the name of the served individual or entity by a checked box:

VIA U.S. MAIL: [NRCP 5(b)] by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada. I am "readily familiar" with the firm's practice of collection and processing correspondence by mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage fully prepaid at Las Vegas, Nevada in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

VIA FACSIMILE: [EDCR 7.26(a)] by transmitting to a facsimile machine maintained by the attorney or the party who has filed a written consent for such manner of service.

BY PERSONAL SERVICE: by personally hand-delivering or causing to be hand delivered by such designated individual whose particular duties include delivery of such on behalf of the firm, addressed to the individual(s) listed, signed by such individual or his/her representative accepting on his/her behalf. A receipt of copy signed and dated by such an individual confirming delivery of the document will be maintained with the document and is attached.

BY E-MAIL: by transmitting a copy of the document in the format to be used for attachments to the electronic-mail address designated by the attorney or the party who has filed a written consent for such manner of service.

BY CM/ECF SYSTEM: by transmitting via the United States District Court's CM/ECF System to the following individuals for which such service is designated on the Service List

ATTORNEYS OF RECORD	PARTIES REPRESENTED	METHOD OF SERVICE
Farhan R. Naqvi, Esq. Austin R. Wood, Esq. NAQVI INJURY LAW 9500 West Flamingo Road #104 Las Vegas, Nevada 89147 Telephone: (702) 553-1000 Facsimile: (702) 553-1002 naqvi@naqvilaw.com awood@naqvilaw.com	Plaintiff	<input type="checkbox"/> Personal service <input type="checkbox"/> Email service <input type="checkbox"/> Fax service <input type="checkbox"/> Mail service <input checked="" type="checkbox"/> CM/ECF System

I declare that under penalty of perjury under the laws of the State of Nevada that the above is true and correct. I further declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

/s/ Anne Raymundo
An employee of BACKUS, CARRANZA & BURDEN

BACKUS, CARRANZA & BURDEN
3050 SOUTH DURANGO
LAS VEGAS, NEVADA 89117
TELE: (702) 872-5555 FAX: (702) 872-5545